IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 1896 of 2005

Between:

P. Siva Subrahmanyam E. No. 48532, S/o Chengappa
Mechanic, APSRTC Depot Srikalahasti, Chittoor District

..... PETITIONER

AND

1 The A.P. State Road Transport Corporation Hyderabad., rep by Managing

Director.
2 The Regional Manager, Tirupathi Region, A.P. State Road Transport

Corporation, Tirupathi.
3 The Deputy Chief Traffic Manager (GHAT) O/o Regional Manager,

Tirupathi Region,
A.P. State Road Transport Corporation Tirupathi
4 The Depot Manager, Srikalahasti Depot A.P. State Road Transprot

Corporation Srikalahasti, Chittoor Distict

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the order No. Steno/20(17)/97-RM(T) dated 13-1-1998 issued by the 3rd respondent and as well as the action of the 2nd respondent in not considering the case of the petitioner in spite of his acquittal in STC No. 882 of 1996 dated 7-10-1999 on the file of the Honble Special Judicial Magistrate of 1st Class for Excise, Chittoor as arbitrary, illegal and contrary to law and consequently set a side

the said punishment awarded to the petitioner vide order dated 13-1-1998 and direct the Respondents to treat the period the petitioner was kept out of Service from 3-4-1997 to 13-1-1998 as the period spent on duty and to direct the Respondents to restore his annual increments, to repay the amount reduced from his salary and with all other consequential benefits, monetary and otherwise and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the Case.

Counsel for the Petitioner: MR.V.JAGAPATHI

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court made the following:

ORDER:

The writ petition is filed declaring the order No.Steno/20(17)/97-RM(T) dated 13.01.1998 issued by the third respondent as well as the action of the second respondent in not considering the case of the petitioner in spite of his acquittal in S.T.C.No.882 of 1996 dated 07.10.1999 on the file of the Special Judicial Magistrate of First Class for Excise, Chittoor as illegal and arbitrary.

The petitioner is working as a Mechanic in respondent-Corporation. While so, the petitioner was issued a chargesheet dated 23.10.1996 and was called upon to explain the charges specified thereunder. The petitioner submitted his explanation on 29.10.1996. As the petitioner's explanation was not satisfactory, a regular departmental enquiry was conducted. In the enquiry, the charges levelled against the petitioner were proved and as such, the disciplinary authority passed an order of removal on 03.04.1997. Aggrieved by the same, the petitioner preferred an appeal before the third respondent. The third respondent by order dated 13.01.1998 though reinstated the petitioner into service, imposed some punishments. Thereupon, the petitioner made a representation on 25.01.2005 to the second respondent to review the order of the third respondent dated 13.01.1998. The said representation of the petitioner has not been considered so far by the second respondent. Hence, this writ petition.

The main grievance of the petitioner is that in the light of his acquittal in S.T.C.No.882 of 1996 on the file of the Special Judicial Magistrate

of First Class for Excise, Chittoor, the second respondent ought to have considered his request to review as well as to set aside the punishments imposed by the third respondent.

Admittedly, the representation made by the petitioner dated 25.01.2005 is pending before the second respondent. In the circumstances, it would be appropriate to direct the second respondent to consider the representation of the petitioner.

Accordingly, without going into the merits of the case, the writ petition is disposed of with a direction to the second respondent to consider the representation of the petitioner dated 25.01.2005 and to pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of two months from the date of receipt of this order. No costs.

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03.03.2005

VGB

To

1 The Managing Director, A.P. State Road Transport Corporation, Hyderabad.
2 The Regional Manager, Tirupathi Region, A.P. State Road Transport

Corporation, Tirupathi.
3 The Deputy Chief Traffic Manager (GHAT) O/o Regional Manager,

Tirupathi Region, A.P. State Road Transport Corporation Tiruapthi
4 The Depot Manager, Srikalahasti Depot A.P. State Road Transprot

Corporation Srikalahasti, Chittoor Distict

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